

Message Text

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ORIGIN SS-25

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FM SECSTATE WASHDC

TO AMEMBASSY MANILA PRIORITY

C O N F I D E N T I A L STATE 001421

EXDIS

E.O. 11652: GDS

TAGS:PDEV, SHUM, RP

SUBJECT: HUMAN RIGHTS AND DEVELOPMENT

FROM HABIB TO THE AMBASSADOR

REFS: A) 75 AIDTO CIRCULAR A-687, 12/9/75, B) MANILA 0052

1. AID LEGISLATION CONTAINING HUMAN RIGHTS RESTRICTION ON PROVISION OF ASSISTANCE HAS BEEN PASSED BY CONGRESS AND SIGNED BY PRESIDENT. OPERATIVE LANGUAGE IN HUMAN RIGHTS AMENDMENT STATES: "NO ASSISTANCE MAY BE PROVIDED UNDER THIS PART TO THE GOVERNMENT OF ANY COUNTRY WHICH ENGAGES IN A CONSISTENT PATTERN OF GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS, INCLUDING TORTURE OR CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT, PROLONGED DETENTION WITHOUT CHARGES, OR OTHER FLAGRANT DENIAL OF THE RIGHT TO LIFE, LIBERTY, AND THE SECURITY OF THE PERSON, UNLESS SUCH ASSISTANCE WILL DIRECTLY BENEFIT THE NEEDY PEOPLE IN SUCH COUNTRY."

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2. IN DETERMINING WHETHER THIS STANDARD IS BEING MET EITHER

THE SENATE FOREIGN RELATIONS COMMITTEE OR HOUSE COMMITTEE ON INTERNATIONAL RELATIONS MAY REQUIRE EXECUTIVE BRANCH TO SUBMIT DETAILED INFORMATION DEMONSTRATING THAT SUCH ASSISTANCE WILL DIRECTLY BENEFIT "NEEDY PEOPLE." IF EITHER COMMITTEE DISAGREES WITH THIS JUSTIFICATION IT MAY INITIATE ACTION TO TERMINATE ASSISTANCE. NO COUNTRY-BY-COUNTRY

REPORTS ARE REQUIRED BY THE LEGISLATION BUT AID IS DIRECTED TO MAKE ANNUAL COMPLIANCE REPORTS.

3. REFERENCE A REPRESENTS EFFORT TO INITIATE A THOUGHTFUL DIALOGUE WITH POSTS TO DEVELOP BACKGROUND INFORMATION WITH REGARD TO LOOKING AT HUMAN RIGHTS IMPACT OF EXISTING AID PROGRAMS. REFERENCE NOTED INTER ALIA THAT AID WOULD ALSO PROVIDE SUPPORT FOR SELECTIVE INITIATIVES ADDRESSED TO HUMAN RIGHTS CONCERNS AND GAVE POSSIBLE EXAMPLES OF SUCH SUPPORT, WHICH INCLUDED BUT WERE NOT LIMITED TO WORKING WITH SUCH ORGANIZATIONS AS INTERNATIONAL COMMISSION OF JURISTS. WE ARE NOT WEDDED TO ANY SPECIFIC IDEAS OR POSSIBLE INITIATIVES IN THIS POLITICALLY SENSITIVE AREA. INDEED, IF POSTS BELIEVE THIS TYPE OF AID INVOLVEMENT WOULD BE COUNTER-PRODUCTIVE WE EXPECT THEM SO TO REPORT.

4. IN ANY CASE, INFORMATION, SUGGESTIONS AND ADVICE WHICH WERE SOLICITED IN REF A FROM COUNTRY TEAM UNDER AMBASSADOR'S GUIDANCE, ARE DESIGNED MERELY TO PROVIDE A DATA BASE ON WHICH POLICY RECOMMENDATIONS CAN BE MADE AND ACTED UPON BY SENIOR DEPARTMENT AND AID OFFICIALS. INGERSOLL

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